

REMARKS

Responsive to the Office Action mailed April 29, 2003 and with an extension of time of THREE MONTHS, the present paper is timely filed on or before October 29, 2003. By the present Amendment, no claims are cancelled and claims 31, 33, and 34 are amended.

5 Accordingly, claims 31 - 35 are in the Application. Entry of the amendments and reconsideration of the Application are respectfully requested.

The Claim Amendments

Claims 31 and 35 are amended to recite that the monomers are graft polymerized directly onto the substrate, not through an intervening coupling agent or structure. Support for 10 the amendment can be found in the specification at, for example, page 6, lines 9 - 11 and page 7, lines 19 -20.

Claims 31 and 35 are further amended to recite that the medium from which the monomers are graft polymerized comprises a salting agent in an amount effective to induce a salting-out effect. Support for the amendment can be found in the specification at, for example, 15 page 14, lines 4 - 8.

Claims 33 and 34 are amended to recite that the substrate includes at least one lumen. Support for the amendment can be found in the claims as filed and further in the specification at, for example, page 6, lines 15-17.

Applicants respectfully submit that the foregoing claim amendments do not introduce 20 new matter into the Application.

Claim Rejections Under 35 U.S.C. § 112, Paragraph Second

Claims 33 and 34 were rejected under 35 U.S.C. § 112 ¶ 2 because, it is alleged, the limitation that “the substrate is a lumen” renders the claim vague and indefinite. Applicants respectfully submit that the Office has clearly misconstrued the plain language of the claim.

25 Accordingly, Applicants respectfully traverse.

Applicants do not quarrel with the Office’s definition of “lumen”. However, Applicants respectfully point-out that claims 33 and 34 recite that the substrate *defines* a lumen, not that the substrate *is* a lumen. Applicants respectfully submit that the skilled artisan would understand that Applicants’ device is a three dimensional solid object. Webster’s Ninth New Collegiate 30 Dictionary (Merriam-Webster, 1988) defines “define” as: “ ... 2a: to fix or mark the limits of: DEMARKATE, b: to make distinct, clear, or detailed in outline ...” Accordingly, Applicants

respectfully submit that the skilled artisan would understand that a portion of the surfaces of the three dimensional solid object (the substrate) of the claim fixes or delineates the spatial limits of a lumen which, of necessity, has at least an inner surface defined by the absence of the matter in that portion of the substrate. Put figuratively, the skilled artisan would understand that

5 Applicants' claims are drawn to a "doughnut" and not a "hole".

Without acquiescing to the grounds of the rejection but merely to advance prosecution of the Application, Applicants have amended claims 33 and 34 to recite that the substrate has a lumen, rendering the claims even more definite. Accordingly, Applicants respectfully submit that the rejection should be withdrawn.

10 Claim Rejections Under 35 U.S.C. § 102

Claims 31 - 35 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Fydelor et al., United States Patent 4,377,010 (Fydelor et al.). Because Fydelor et al. does not teach a device meeting all of the limitations of Applicants' claims, Applicants respectfully traverse.

15 Fydelor et al. disclose a biocompatible surgical device wherein at least the outer surface of the device comprises a hydrophilic graft copolymer (e.g. a polymer derived from an ethylenically unsaturated carboxylic acid). Col. 1, lines 54-61. The base on which the hydrophilic polymer is grafted is, for example, a polyolefin. Col. 1, line 62. Fydelor et al. teach that the grafting is carried-out in or from a suitable solvent (e.g. water). However, Fydelor et al.

20 does not teach or suggest including in the solvent a salting agent in an amount effective to produce a salting-out effect. Thus, Fydelor et al. does not teach all of the limitations of claim 31, or the claims depending from it, or claim 35. Accordingly, Applicants respectfully submit that the rejection should be withdrawn.

Claims 31 - 35 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Anders et al., United States Patent 6,096,369 (Anders et al.). Because Anders et al. does not teach a device meeting all of the limitations of Applicants' claims, Applicants respectfully traverse.

Anders et al. teaches making the surface of a polymeric substrate hydrophilic. At column 4, beginning at line 54, Anders et al. recites (emphasis supplied):

30 The process according to the invention produces hydrophilic coatings which, unexpectedly, are permanent even if there is no covalent attachment of the coating to the polymeric substrate. The attribute "permanent" relates both to the hydrophilic effect and to

the adhesive strength of the coating. The latter is based on the fact that the macroinitiator's polymer structure, onto which the vinyl monomers are graft-polymerized, is not destroyed in the course of the radiation-induced dissociation of the free radical-forming groups, so that the interpenetrating polymer network which develops on the substrate when the macroinitiator is applied from its solution remains intact.

Clearly, Anders et al. does not teach grafting directly onto the substrate. Rather, the
10 vinyl monomers are grafted onto a “macroinitiator” and not directly onto the substrate, as
required by Applicants’ claims. Because Anders et al. does not teach all of the limitations of
Applicants’ claim 31 (and hence claims depending from it) or claim 35, Applicants respectfully
submit that the rejection should be withdrawn.

Conclusion

15 Based on the foregoing amendments and remarks, Applicants respectfully submit that the claims are now in condition for allowance, which allowance is earnestly solicited. If, in the opinion of the Examiner, a telephone conference would advance prosecution of the Application, the Examiner is invited to call the undersigned attorney.

REQUEST FOR EXTENSION OF TIME

20 Applicants respectfully petition under 37 C.F.R. § 1.136 for an extension of time to
reply of THREE MONTHS. The fee of \$950.00 required by 37 C.F.R. § 1.17 is paid herewith.

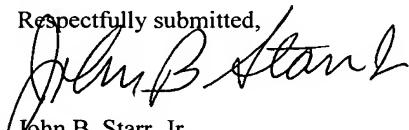
AUTHORIZATION TO DEBIT DEPOSIT ACCOUNT

The Commissioner is hereby authorized to debit Deposit Account 11-0600 in the amount of \$950 for the fee due under 37 C.F.R. § 1.17. Applicants respectfully submit that no additional fee is due with this paper. If an additional fee is due, the Commissioner is hereby 5 authorized to debit Deposit Account 11-0600 for any such additional fee due with this paper. A copy of this page is enclosed.

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Oct 22, 2003

Respectfully submitted,



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